REMARKS

Claims 1-35 are pending in the application. Claims 1-35 were rejected. Claim 33 has been amended herein. Accordingly, claims 1-35 remain active in the application. In view of the claim amendments and the following remarks, reconsideration of the application is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 33 and 34 as reciting a limitation "data framing information" without sufficient antecedent basis for the limitation in the claim. Applicant notes that this language in claim 33 was an inadvertent error—instead of "data framing information" the claim should have read "internal state information" as recited in parent claim 28. Claim 33 has now been corrected to agree with claim 28. Applicant respectfully requests that this claim amendment be entered, as it raises no new issue and/or places the claim in better condition for appeal.

With respect to claim 34, Applicant could not locate the objected-to language in that claim. Accordingly, Applicant requests that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-2, 5-7, and 22-24

Claims 1-2, 5-7, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellenger et al., U.S. Patent No. 6,263,016 ("Bellenger"), in view of Osler et al., U.S. Patent No. 6,038,222 ("Osler"). Applicant respectfully traverses this rejection, as it fails to present a *prima facie* case of obviousness.

In response to the previous Office Action, Applicant amended each of these claims to require that the resource internal state information that is transferable between resources include data link control information developed by a resource over the course of the active modem connection. Applicant also pointed out that neither the Bellenger reference, nor any other pertinent reference, taught or suggested this concept. The Examiner has not pointed to any portion of Bellenger teaching or suggesting this concept.

The Examiner has asserted that the Osler reference, which describes a simple computer/single modem interface, as teaching "the memory in the modem to have the data information and data link control information stored (12 FIG. 1 column 4 lines 33-40 where the memory resides; FIG. 2-6, column 1 lines 34-42, column 3 lines 15-35, wherein the data information and link control information are defined for different state, such as the idle state

when failure occurs)." Applicant respectfully submits that Osler storing link control information in the modem memory is identical to Bellenger and distinctly different from what is claimed. The claimed invention requires a resource internal state memory capable of storing data link control information developed by a resource over the course of an existing data connection, where the data link control information is retrievable by another resource. Neither Bellenger nor Osler teaches or suggests storing such information in a memory where it can be retrieved by another resource if the first resource fails or is removed. The Office Action fails to show this claimed feature as part of the prior art, and therefore a *prima facie* case of obviousness is lacking.

Claims 3-4 and 8-9

Claims 3-4 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Bellenger" in view of "Osler" as applied to claim 1, further in view of Green et al., U.S. Patent No. 5,949,762 ("Green"). Applicant respectfully traverses this rejection, and submits that a *prima facie* case of obviousness is lacking at least for the reasons presented above. Each of these claims depends from claim 1. Green teaches nothing that overcomes the deficiencies already noted for Bellenger and Osler with respect to claim 1.

Claims 10 and 11

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Bellenger" in view of "Osler" and "Green" as applied to claim 8, and further in view of Richmond et al., U.S. Patent No. 6,308,286 ("Richmond"). Applicant respectfully traverses this rejection, and submits that a *prima facie* case of obviousness is lacking at least for the reasons presented above. Each of these claims depends from claim 1. Richmond teaches nothing that overcomes the deficiencies already noted for Bellenger, Osler, and Green with respect to claim 1. Furthermore, the present rejection fails to indicate a teaching or suggestion of a simultaneous transfer of multiple connections between resources in the cited references.

Claims 12 and 13

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Bellenger" in view of "Osler" as applied to claim 1, in further view of "Richmond". Applicant respectfully traverses this rejection, and submits that a *prima facie* case of obviousness is lacking at least for the reasons presented above. Each of these claims depends

from claim 1. Richmond teaches nothing that overcomes the deficiencies already noted for Bellenger and Osler with respect to claim 1. Furthermore, the present rejection fails to indicate a teaching or suggestion for a condition for a resource switchover as a removal of a resource as claimed in claim 13.

Claims 14, 16, 17, 19, 21, and 25-35

Claims 14, 16, 17, 19, 21, and 25-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Richmond" in view of "Osler" and Thaweethai et al., U.S. Patent No. 5,546,379 ("Thaweethai"). Applicant respectfully traverses this rejection, and submits that a *prima facie* case of obviousness is lacking for similar reasons as those reasons presented above.

The Examiner acknowledges that Richmond fails to teach "the data link control information stored in the modem," but asserts that Osler does teach memory in the modem. This, however, is not the claimed limitation. Claim 14 and its dependent claims recite N + 1 data-handling resources connected such that N save data link control information in a resource internal state memory, and the N + 1th data-handling resource can retrieve the data link control information. The rejection fails to show any teaching of Richmond, Osler, or Thaweethai directed to this claim feature. Claim 19 and its dependent claims contain similar language.

With respect to claims 25, 26, and 27, the rejection fails to assert that Richmond teaches or suggests an internal state configuration containing data link control information, and an external state-saving subsystem and/or external state-loading subsystem for saving and/or loading data link control information. The citation to Richmond at column 5, line 63 to column 6, line 15 clearly recites an "operating configuration profile." As further detailed at column 7, lines 51-61, Richmond's "configuration profile" is one of several operating modes that use various configuration parameters, not the claimed data link control information.

With respect to method claims 28-35, the rejection fails to assert that the prior art contains the claimed process including saving and loading data link control information to a location separate from a data-handling resource. A *prima facie* case of obvious is therefore lacking, based on the arguments presented above.

Further, with respect to dependent claim 32, the Examiner's citation relates to data queues, and does not teach or suggest the recited variation in the periodic saving of internal state information depending on the data connection load.

The Examiner asserted that the additional limitations of claims 33-35 are taught or suggested by Thaweethai. With respect to dependent claim 33, placing a packet in a data transmit queue does not "save" frame acknowledgment information such that that information could be loaded to another resource, as claimed. And with respect to claim 34, a transmit queue does not "save" information at all, but merely functions as a temporary packet buffer—the packets must be regarded as "sent" went committed to the queue. Finally, buffering a packet only until it is transmitted cannot possible save packet information until the remote endpoint acknowledges that packet. Therefore, the combination of references fails to teach or suggest the additional limitations of claims 33-35.

Claims 15 and 20

Claims 15 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Richmond" in view of "Thaweethai" as applied to claims 14 and 19, further in view of Entenman U.S. Patent No. 4,245,342 ("Entenman"). Entenman teaches nothing that overcomes the deficiencies already noted for Richmond and Thaweethai with respect to claims 14 and 19. Accordingly, claims 15 and 20 are patentable for at least the same reasons as claims 14 and 19.

Claim 18

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over "Richmond" in view of "Thaweethai" as applied to claim 14, in further view of Evans U.S. Patent No. 6,307,880 ("Evans"). Evans teaches nothing that overcomes the deficiencies already noted for Richmond and Thaweethai with respect to claim 14. Accordingly, claim 18 is patentable for at least the same reasons as claim 14.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-35 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 1-703-872-9306, on July 16 , 2004.

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